

Development Rights

Eldercare Housing Crisis Looming

by Benjamin M. Reznik



Senior Living: Belmont Village of Westwood on Wilshire Blvd.

We are getting older and living longer. The statistics for the growth of the elderly are compelling. In the past few years we have seen several types of new private eldercare facilities, such as independent living and assisted living pop up in the LA area, mostly in more affluent neighborhoods. But make no mistake: neither LA nor the rest of the nation is prepared to properly care for and house the emerging elderly population.

When I speak with people who now must find some level of assisted housing for their elderly parents, their frustration is all too common and similar: there are too few choices and none that are located in their neighborhood. What an interesting concept – siting eldercare facilities “in our neighborhood.” This notion is not just for the convenience of the adult child, who wants to remain close enough to the parent for visitation purposes, it is also important for the elder parent, who should not be relegated to living out the rest of his/her life in institutional facilities along major commercial corridors. There must be a way to integrate eldercare housing into residential neighborhoods, including single-family areas.

In 2006, the City of Los Angeles adopted an Eldercare Ordinance (178,063) which tackled this issue head on. It specifically provides for the siting of such facilities in virtually all zones, including single-family zones, through a process that enables a public hearing and the imposition of conditions. One of the biggest issues confronting eldercare facilities in the past has been the amount of parking that should be required. This ordinance modified the parking requirement to more closely reflect the actual parking need, thereby eliminating the need for complicated variance hearings. This ordinance would not have passed but for the tireless work of

then Chief Zoning Administrator Robert Janovici, who realized its importance and shepherded it through the legislative process.

Now comes implementation. Will the city approve such facilities if faced with local neighborhood opposition? There have only been a couple of applications utilizing the Eldercare Ordinance so the answer is yet unknown. However, recently the Tarzana Neighborhood Council demonstrated strong leadership on this issue when it voted to recommend approval of an assisted living facility in one of its residential neighborhoods. Many of the Neighborhood Council members pointed out that it is our responsibility as a society to house the elderly in the very same neighborhoods in which they had lived for many years, rather than succumb to the pressure of forcing them to live in commercial areas. In a sense, what the Tarzana Neighborhood Council is saying is that while the care of the elderly may be a business, the housing is residential in character.

It will be interesting to see how the City deals with this case as it makes its way through the process. ■

As Chairman of the Firm's GLUEE Department, Ben Reznik's practice emphasizes real estate development entitlements, zoning and environment issues, including frequent appearances before city planning commissions, city councils and other governmental boards and agencies on behalf of real estate development firms and various industries. For more information, contact Ben at 310. 201. 3572 or BMR@jmbm.com

JMBM Proposes Amendments to CEQA

by Sheri L. Bonstelle

JMBM's land use attorneys partnered with the Hollywood Chamber of Commerce, including its developer members, to draft amendments to the California Environmental Quality Act (“CEQA”) (Public Resources Code, Division 13, Sections 21000 et al) that will provide developers more certainty and protection from frivolous lawsuits that have threatened Hollywood development in a time of economic turmoil. Hollywood Chamber president, Leron Gubler, stated that thousands of construction and permanent jobs were lost in Hollywood, because CEQA lawsuits against eight key projects delayed the developments for one year to eighteen months. As a

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